

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Thomas Wagner, et al.,

Plaintiffs,

v.

Capital Management Services, LP,

Defendant.

Case No. 1:08-cv-00869-SSB-TSH

NOTICE OF SETTLEMENT

Now come Plaintiffs, by and through counsel, and hereby give notice that the parties in the above-captioned matter reached a settlement. Plaintiffs anticipate filing a Notice of Dismissal with Prejudice in the near future.

RESPECTFULLY SUBMITTED,

Macey & Aleman, P.C.

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on February 17, 2009, a copy of the foregoing Notice was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

Capital Management Services, LP
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/s/ Richard J. Meier